THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10111 of 2007

Dated: 17-07-2007

Between:

Baptist Christian Housing Welfare Society,
Rep.by its President, Ranga Reddy District.

..... PETITIONER

AND

The District Collector, Kurnool, and others.

.....RESPONDENTS

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ORDER:

The Baptist Christian Housing Welfare Society, Ranga Reddy District, filed instant writ petition seeking a writ of Mandamus declaring the action of the respondents, namely, the District Collector, Ranga Reddy District, and the Mandal Revenue Officer, Ibrahimpatnam, in interfering and threatening to dispossess it from land admeasuring Acs.14.10 guntas in survey No.242 situated at Mangalpalli Village, Ibrahimpatnam Mandal, Ranga Reddy District, as illegal and arbitrary and for a consequential direction.

It is the case of the petitioner society that it purchased subject land from Khaja Ziauddin with a view to divide the same into plots to allot to its members. Second respondent allegedly demanded the members of the petitioner society to vacate subject land. Therefore, the petitioner society filed instant writ petition.

After getting instructions, the learned Assistant Government Pleader for Revenue (General-T) submits that the land in survey No.242, being ceiling surplus, was taken over by the Government and was assigned to landless poor persons, that the petitioner society purchased subject land in violation of the conditions of assignment and that the Revenue Divisional Officer (RDO) passed orders in 2003 itself cancelling the assignment and possession was taken over.

The learned counsel for the petitioner society, however, insists that the petitioner society/its members are in possession of subject land based on various registered sale deeds. No such evidence is placed before this Court.

In view of above, the writ petition is wholly misconceived. When the petitioner society/its members are not in possession, there is no question of the respondents interfering with their possession. If there is any grievance, the petitioner society may obtain cancellation order passed by RDO and take appropriate steps as per law.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

17th July, 2007
ghn